

## HOUSE BILL NO. 99

INTRODUCED BY T. WASHBURN

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING PROOF OF RESIDENCY REQUIREMENTS FOR VOTER REGISTRATION AND IDENTIFICATION REQUIREMENTS FOR VOTING; AND AMENDING SECTIONS 13-2-110 AND 13-13-114, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 13-2-110, MCA, is amended to read:

**"13-2-110. Application for voter registration -- sufficiency and verification of information -- identifiers assigned for voting purposes.** (1) An individual may apply for voter registration in person or by mail by completing and signing an application for voter registration and providing the application to the election administrator in the county in which the elector resides.

(2) An individual applying by mail shall send the application to the election administrator, postage paid, no later than 15 days after the date it is signed.

(3) Each application for voter registration must be accepted and processed as provided in rules adopted under 13-2-109.

(4) Except as provided in subsection (5):

(a) an applicant for voter registration shall provide the applicant's Montana driver's license number; or

(b) if the applicant does not have a Montana driver's license, the applicant shall provide the last four digits of the applicant's social security number.

(5) If an applicant does not have a Montana driver's license ~~or social security number~~, in addition to providing the last four digits of the social security number:

(a) an applicant appearing in person before the election administrator shall provide one of the following documents, which must be current and show the applicant's name and address:

~~(i) current and valid photo identification, including but not limited to a school district or postsecondary education photo identification or a tribal photo identification, with the individual's name; or~~

~~—— (ii) a current utility bill, bank statement, paycheck, government check, or other government document that shows the individual's name and current address~~

1 (i) a Montana vehicle registration certificate;

2 (ii) a Montana resident tax return;

3 (iii) a Montana identification card; or

4 (iv) a tribal photo identification card.

5 (b) an applicant applying by mail to register shall also enclose with the application a copy of:

6 ~~—— (i) a current and valid photo identification, including but not limited to a school district or postsecondary~~  
7 ~~education photo identification or a tribal photo identification, with the individual's name; or~~

8 ~~—— (ii) a current utility bill, bank statement, paycheck, government check, or other government document that~~  
9 ~~shows the individual's name and current address~~ one of the documents listed in subsection (5)(a).

10 (6) (a) If information provided on an application for voter registration is sufficient to be accepted and  
11 processed and is verified pursuant to rules adopted under 13-2-109, the election administrator shall register the  
12 elector as a legally registered elector.

13 (b) If information provided on an application for voter registration was sufficient to be accepted but the  
14 applicant failed to provide the information required in subsection (4) or (5) or if the information provided was  
15 incorrect or insufficient to verify the individual's eligibility to vote, the election administrator shall register the  
16 applicant as a provisionally registered elector.

17 (7) Each applicant for voter registration must be notified of the elector's registration status pursuant to  
18 rules adopted under 13-2-109.

19 (8) The secretary of state shall assign to each elector whose application was accepted a unique  
20 identification number for voting purposes and shall establish a statewide uniform method to allow the secretary  
21 of state and local election officials to distinguish legally registered electors from provisionally registered electors.

22 (9) The provisions of this section may not be interpreted to conflict with voter registration accomplished  
23 under 13-2-221, 13-21-201, 13-21-203, and 61-5-107 and as provided for in federal law."  
24

25 **Section 2.** Section 13-13-114, MCA, is amended to read:

26 **"13-13-114. Voter identification and marking precinct register book before elector votes --**  
27 **provisional voting.** (1) (a) Before an elector is permitted to receive a ballot or vote, the elector shall present to  
28 an election judge ~~a current photo identification~~ one of the following documents showing the elector's name. ~~If the~~  
29 ~~elector does not present photo identification, including but not limited to a valid~~ and address:

30 (i) a Montana driver's license; ~~a school district or postsecondary education photo identification, or a tribal~~

1 ~~photo identification, the elector shall present a current utility bill, bank statement, paycheck,~~

2 (ii) a notice of confirmation of voter registration issued pursuant to 13-2-207, government check, or other  
3 ~~government document that shows the elector's name and current address;~~

4 (iii) a Montana vehicle registration certificate;

5 (iv) a Montana resident tax return;

6 (v) a Montana identification card; or

7 (vi) a tribal photo identification card.

8 (b) An elector who provides the information listed in subsection (1)(a) may sign the precinct register and  
9 must be provided with a regular ballot to vote.

10 (c) If the information provided in subsection (1)(a) differs from information in the precinct register but an  
11 election judge determines that the information provided is sufficient to verify the voter's identity and eligibility to  
12 vote pursuant to 13-2-512, the elector may sign the precinct register, complete a transfer form or new registration  
13 form to correct the elector's voter registration information, and vote.

14 (d) An election judge shall write "transfer form" or "registration form" beside the name of any elector  
15 submitting a form.

16 (2) If the information presented under subsection (1) is insufficient to verify the elector's identity and  
17 eligibility to vote or if the elector's name does not appear in the precinct register, the elector may sign the precinct  
18 register and cast a provisional ballot as provided in 13-13-601.

19 (3) If the elector fails or refuses to sign the elector's name or if the elector is disabled and a fingerprint,  
20 an identifying mark, or a signature by a person authorized to sign for the elector pursuant to 13-1-116 is not  
21 provided, the elector may cast a provisional ballot as provided in 13-13-601."

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